

NEWS

Sri Lanka, UN relationship deteriorating

CALLING UN Secretary General Ban Ki-moon's proposed move to appoint a Panel of Experts to advise him on accountability issues relating to Sri Lanka, "intrusive unilateral initiative", Sri Lanka's Foreign Minister has claimed that the move would dent or sour relationship between the island nation and the world body.

Unless Sri Lanka's unique context and rising public anger against the UN Secretary General Ban Ki-moon's proposed move are taken into consideration, the move has the potential to dent or sour the excellent partnership Sri Lanka has been enjoying with the UN since Independence, Sri Lanka's Foreign Minister Rohitha Bogollagama said, according to the Foreign Ministry.

The government reiterated its position that the proposed move by the UN Secretary General to appoint a Panel of Experts to advise him on accountability issues relating to Sri Lanka is an infringement on the sovereignty of an independent Member State, without prejudice to the application of enforcement measures under Chapter VII.

The Foreign Minister said that the UN Chief should facilitate the proposed visit by Mr. Lynn Pascoe, the Under-Secretary General for Political Affairs, to Sri Lanka following the General Elections to assess first hand, the progress made on key fronts and discuss the details of the proposed domestic mechanism to be set up by the Government.

"These issues can be dealt with by Sri Lanka that already has full fledged local mechanisms like the judiciary, commissions of inquiry to undertake such inquiries. Further, the situation in Sri Lanka is not on the agenda of either the Security Council or the General Assembly or its subsidiary body, the Human Rights Council. Therefore, this proposed measure can only be construed as an "intrusive unilateral initiative" by the UN Secretary General," the Foreign Ministry said.

The timing of the proposed initiative to coincide with the election cycle in Sri Lanka smacks of a deliberate attempt to derive political mileage by providing unnecessary fodder to the opposition, to local and international apologists of the LTTE including to those remaining elements of the LTTE currently active abroad, it added.

Commenting on Colombo's warning that "ties with the UN is in danger of going sour, Prof. Francis Boyle said: "If the Government of Sri Lanka ruptures relations with the United Nations, then it will turn itself into a pari-

ah state along the lines of apartheid South Africa or the genocidal rump Yugoslavia, both of which the United Nations General Assembly suspended from participation in the activities of the United Nations for their criminal behaviour. In fact and in law, the same principles should apply."

Professor Boyle added that in addition to the suspension from the UN activities, "[t]he United Nations General Assembly should also suspend Sri Lanka from participation in the activities of the entirety of the United Nations Organization and its Subsidiary Bodies and Affiliated Organizations because of the genocide, war crimes and crimes against humanity that the GOSL inflicted on the Tamils in Vanni a year ago.

"Materially, there is no difference between apartheid South Africa and the genocidal rump Yugoslavia, on the one hand, and the genocidal, apartheid Sri Lanka, on the other. For that reason, Sri Lanka deserves to be treated as a pariah state by the United Nations Organization itself and by its 192 member states," Prof. Boyle added.

Meanwhile, Sri Lanka's actions to thwart the setting up of the rights panel may have back fired according to a local media report.

According to Sri Lanka's Daily Mirror newspaper, Ban Ki-moon, had from the very outset followed a lenient policy regards the war crime charges against Sri Lanka. However, in the face of mounting pressure from the Western countries, Ban Ki-moon was invariably compelled to change that policy. He then decided to appoint a panel of experts to advise him in relation to Sri Lanka.

If the panel of experts are appointed owing to the pressures of the Western countries, even if Ban Ki-moon harbours the secret desire to follow a soft policy in favour of Sri Lanka, because of the emergence of the NAM letter he too is pushed to the edge, claimed the news paper.

The Daily Mirror, in its article, also stated that India which had opposed any moves to investigate war crimes charges has not supported the NAM letter due to Western pressure and warned also could follow suit.

"India is a country which can exert immense pressure on the Non Aligned Movement (NAM) countries. If India favours the appointment of the panel of experts, it has the capacity to stop the NAM letter expressing opposition to the UN decision. Yet, India possibly could prefer not to displease Sri Lanka while also winning over the favour of the Western countries. From this it is



UN Secretary General Ban Ki-Moon is finally moving to set up a war crimes panel, which he first discussed nearly a year ago, after Sri Lanka failed to deliver on its promises about an internal investigation. But the government is not happy with the move, claiming it infringes Sri Lankan sovereignty.

deducible that India while opposing the war crime charges being tried against Sri Lanka from behind the scenes, it is also cautious not to offend the Western countries. All in all, it is becoming increasingly clear that the new stance of India has led to the undermining of Sri Lanka's battle in the face of the war crime charges," the news paper said.

"If China too like India decides to follow a middle path policy with regard to the war crime charges which are being mounted against Sri Lanka, the latter will be plunged into deep trouble", the newspaper warned.

The Daily Mirror further cited Iran as an example where Western influence had changed China's position at UN.

"Whenever Western countries were desirous of bringing a proposal to impose sanctions against Iran via the UN Security Council, China on many occasions had objected to them. However finally, when the UN Security Council brought forward three proposals against Iran, China assented to them, yielding to the pressure applied on it," the paper added.

Tamils fear UN rights panel whitewash

ANNOUNCEMENT by the UN Secretary General that, his chief of staff Vijay Nambiar in consultation with Sri Lanka's UN representative Palitha Kohona will assemble the proposed rights panel to advise the UN chief on the accountability process required to address the alleged war crimes committed by Colombo, has raised concerns amongst Tamils both in Sri Lanka in and the Diaspora.

"My cheif de cabinet has been meeting with Sri Lanka's Ambassador here," Inner City Press said quoting Ban Ki Moon.

"There are the two people putting together the panel to advise Ban Ki-moon on accountability for war crimes in Sri Lanka.

Inner City Press reporting on the announcement said, Vijay Nambiar and Palitha Kohona, are widely believed to be complicit in the extra-judicial killing by the Sri Lanka Army (SLA) soldiers' of civil and political officials of the Liberation Tigers who surrendered to the SLA during the final days of the war in May 2009.

It is, one close observer told Inner City Press, like "two foxes studying the hen house," ICP said

in its report.

Tamil Diaspora organisations labelled the move 'astonishing and alarming' and called on the UN chief to consult Tamils also in appointing the advisory panel, in the interests of fairness to the victims.

"Since the Sri Lanka Government has strongly opposed the appointment of the panel from the beginning, its Ambassador has every reason to render the panel ineffective. Mr. Nambiar, for his part, was the point man for the UN on Sri Lanka when the alleged war crimes occurred, and has been the subject of strong criticism for his role.", US Tamil Political Action Council (USTPAC), and Global Tamil Forum (GTF), said in a press release on Sunday, March 28.

"W appeal to the Secretary General, that in the interests of fairness to the victims that the Secretary General consults the Tamils also in appointing the advisory panel," adding, "the USTPAC and the Global Tamil Forum strongly recommend Professor Francis A. Boyle to the advisory panel."

"Currently a professor of law at the University of Illinois,

Professor Boyle has been instrumental in developing indictment against Slobodan Milosevic for committing genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina. As well known scholar in international law and human rights, Professor Boyle is eminently qualified to advise the UN Secretary General on war-crime investigations by parties to the conflict in Sri Lanka," the press release said.

The Tamil expatriate organizations unanimously welcomed UN Secretary General's initiative, and said the initiative deserves the full support of the international community, and should proceed without delay.

The terms of reference need to be broad enough to ensure full accountability," said a spokesperson for the USTPAC. The Secretary General's action follows calls by UN High Commissioner for Human Rights, Navi Pillai, and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, urging international investigations based on credible reports of war crimes, the press release noted.